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09/896,526	06/28/2001	Haitham Akkary	42390P11201	8421
8791 7590 10/24/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
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HUISMAN, DAVID J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/896,526

Applicant(s)

AKKARY ET AL.

Examiner

DAVID J. HUISMAN

Art Unit

2183

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-11, 13, 15-22 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11, 13, 15-22 and 24-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7, 9-11, 13, 15-22, and 24-35 have been examined.

Papers Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment as received on 4/11/2008.

Claim Objections

3. Claim 20 is objected to because of the following informalities: In lines 4 and 5, please replace "from" with either --in-- or --by--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 20-22 and 24-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, in claim 20, applicant claims a machine-readable storage medium containing instructions. Paragraph [0038] of the specification sets forth both statutory and non-statutory examples (signals) of machine-readable media. However, it is not clear which examples applicant considers to be storage media. If the non-statutory examples are considered to be storage media, then the claims do not fall within one of the four statutory categories of invention. Consequently, claim 20 and its dependents are non-statutory.

Applicant should amend the specification such that the examples are split into storage media and transmission media.

Maintained Rejections

6. Applicant has failed to overcome the prior art rejections set forth in the previous Office Action. Consequently, these rejections are respectfully maintained by the examiner and are copied below for applicant's convenience.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7, 9-10, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaramoorthy et al., "Slipstream Processors: Improving both Performance and Fault Tolerance," ASPLOS, Nov. 2000 (as applied in the previous Office Action and herein referred to as Sundaramoorthy) in view of Mukherjee, U.S. Patent No. 6,757,811 (as cited in a previous Office Action) in view of Hennessy and Patterson, "Computer Architecture - A Quantitative Approach, 2nd Edition," 1996 (as applied in the previous Office Action and herein referred to as Hennessy).

9. Referring to claim 1, Sundaramoorthy has taught an apparatus comprising:

- a) a first processor and a second processor. See Fig.1 and note the R-stream and A-stream processors.
- b) a plurality of memory devices coupled to the first processor and the second processor. See Fig.1 and note the I-cache and D-cache memories.
- c) a first buffer coupled to the first processor and the second processor, the first buffer being a register buffer. See Fig.1 and also see column 10, lines 17-21, and lines 35-38 and note that data operands are passed from the A-stream processor to the R-stream processor via the delay buffer.
- d) a second buffer coupled to the first processor and the second processor, the second buffer being a trace buffer. See column 7, and note the paragraph beginning with bulleted paragraph beginning with "Conventional Fetching...". In this paragraph a trace predictor/buffer is disclosed which stores/buffers trace IDs.
- e) a plurality of memory instruction buffers coupled to the first processor and the second processor. Note from Fig.1 that separate reorder buffers are connected to each processor);
- f) wherein the first processor and the second processor perform single threaded applications using multithreading resources (col. 1, lines 53-54, col. 2, lines 18-20: teaches that a single thread is instantiated twice such that two instances of the same thread exist and each instance is executed by different processors).
- g) the first processor executes a single threaded application ahead of the second processor executing said single threaded application to avoid misprediction, and said single threaded application is not converted to an explicit multiple thread application. See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate

predictions. Hence, branch mispredictions are avoided. Also, note that a single threaded application is not converted to an explicit multiple-thread application. Instead, a single thread is copied such that two instances of a single thread exist.

h) the single threaded application executed on the second processor avoids branch mispredictions from information received from said first processor. See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate predictions. Hence, branch mispredictions are avoided.

i) Sundaramoorthy has taught the need for a hardware monitor to detect ineffectual instructions so that they may be bypassed in the leading A-stream (column 2, lines 23-32). This results in the A-stream fetching, executing, and retiring fewer instructions than it would otherwise (column 2, lines 34-35), thereby allowing the A-stream to stay ahead of the R-stream. In short, Sundaramoorthy has taught that the A-stream and R-stream have different numbers of executed instructions. Consequently, it follows that Sundaramoorthy has not taught that said single threaded application contains the same number of instructions when executed on said first processor and said second processor (as claimed by applicant). However, Mukherjee has taught the concept of a single thread being executed twice in parallel as two threads, where the two threads contain the same amount of instructions. See the abstract and Fig.3. A person of ordinary skill in the art would've recognized that both Sundaramoorthy and Mukherjee have taught redundant execution in order to speed up execution by passing information from one stream to the other. The main difference is that Sundaramoorthy's leading stream runs ahead by reducing the amount of instructions in the stream whereas Mukherjee's leading stream runs

ahead by merely starting execution earlier than the trailing stream (Mukherjee, Fig.3). By modifying Sundaramoorthy to include the execution concept taught by Mukherjee, the hardware monitor and speculative bypassing of instructions would be eliminated. This would in turn eliminate bypassing errors that may occur (Sundaramoorthy, column 2, lines 45-50). As a result, in order to eliminate the hardware monitor (and the problems that it may cause) from Sundaramoorthy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sundaramoorthy such that the exact same thread is executed twice, where the leading thread is merely started before the trailing thread. It should further be noted that while Mukherjee has taught SMT-style execution of two threads on a single processor (abstract), the concept is easily applicable to a multiprocessor system. Sundaramoorthy even recognizes this in column 2, lines 18-20, by saying that two redundant programs may execute on a multiprocessor system or an SMT processing system, which is essentially like have multiple processors on a single chip (virtual processors).

j) Sundaramoorthy has not taught that the first and second processors each have a scoreboard and a decoder.

However, Official Notice is taken that instruction decoders are well known and expected in the art. More specifically, after instructions are fetched by a processor, they must inherently be decoded so that the processor may determine what type of instruction has been fetched and consequently, what operation to perform. Clearly, if both processors of Sundaramoorthy are fetching instructions, then both sets must be decoded. As a result, it would have been obvious to have instruction decoders in each of the first and second processors so that instructions may be

decoded. One would have been motivated to make such a modification to allow both processors to decode their own instructions.

In addition, Hennessy has taught that a scoreboard allows instructions to execute out of order. As is known in the art, out-of-order execution is advantageous because it allows instructions to execute as soon as their resources are ready, thereby reducing stalling and CPU idleness. See pages 241 and 242. As a result, in order to allow both processors to benefit from such execution and resulting advantages, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify each of the first and second processors of Sundaramoorthy to include scoreboards.

10. Referring to claim 2, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 1. Sundaramoorthy has further taught that the memory devices comprise a plurality of cache devices (Fig. 1, I-Cache and D-Cache).

11. Referring to claim 3, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 1. Sundaramoorthy has further taught that the first processor is coupled to at least one of a plurality of zero level (L0) data cache devices and at least one of a plurality of L0 instruction cache devices, and the second processor is coupled to at least one of the plurality of L0 data cache devices and at least one of the plurality of L0 instruction cache devices (fig. 1 shows that each processor is connected to a separate data cache (D-Cache) and instruction (I-Cache) which can be considered as zero-level caches because they are directly connected to the execute cores).

12. Referring to claim 4, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 3. Sundaramoorthy has further taught

that each of the plurality of L0 data cache devices store exact copies of store instruction data. Although this is not mentioned explicitly, it is deemed inherent to the design because as each processor is executing the same thread (col. 1, lines 53-54, col. 2, lines 18-20) the data caches in each processor must contain exact copies of data. And, this data is store instruction data because data that is stored to main memory is also stored in a data cache.

13. Referring to claim 5, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 1. Sundaramoorthy has further taught that the plurality of memory instruction buffers includes at least one store forwarding buffer (fig. 1, reorder buffer connected to A-stream processor) and at least one load-ordering buffer (fig. 1, reorder buffer connected to R-stream processor).

14. Referring to claim 6, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 5. Although Sundaramoorthy in view of Mukherjee in view of Hennessy does not mention that the at least one store forwarding buffer (fig. 1, reorder buffer (ROB) connected to A-stream processor) comprises a structure having a plurality of entries, each of the plurality of entries having a tag portion, a validity portion, a data portion, a store instruction identification (ID) portion, and a thread ID portion it is deemed inherent to the design. A ROB is used to order instructions completing execution hence must contain a plurality of entries. Also each entry must have a tag portion to index into the ROB, a validity portion to indicate whether an entry can be written to or read from, a data portion for storing the results of the instruction, a store instruction ID portion would be the instruction opcode of an entry, and a thread ID for indicating which thread that instruction belongs to.

15. Referring to claim 7, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 6. Although Sundaramoorthy in view of Mukherjee in view of Hennessy does not mention that the at least one load ordering buffer (fig. 1, reorder buffer connected to R-stream processor) comprises a structure having a plurality of entries, each of the plurality of entries having a tag portion, an entry validity portion, a load identification (ID) portion, and a load thread ID portion it is deemed inherent to the design. A ROB is used to order instructions completing execution hence must contain a plurality of entries. Also each entry must have a tag portion to index into the ROB, a validity portion to indicate whether an entry can be written to or read from, a load instruction ID portion would be the instruction opcode of an entry, and a thread ID for indicating which thread that instruction belongs to.

16. Referring to claim 9, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 1. Furthermore, although Sundaramoorthy has taught that the trace buffer (delay buffer) is a FIFO queue (col. 10, line 17), they do not disclose that the trace buffer is a circular buffer having an array with head and tail pointers, the head and tail pointers having a wrap-around bit. However, "Official Notice" is taken that it is well known and expected in the art to implement a FIFO queue as a circular buffer with head and tail pointers wherein head and tail pointers have a wrap-around bit. A circular buffer is useful to implement in hardware because only the head and tail pointers need to be incremented/decremented instead of actually physically shifting entries. A wrap around bit would also be needed to indicate whether the pointer has wrapped around the end of the queue. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to

have implemented the FIFO queue as a circular buffer with head and tail pointers, the head and tail pointers having a wrap around bit because it is known that a FIFO queue can be implemented as a circular buffer and it is easier to build in hardware.

17. Referring to claim 10, Sundaramoorthy in view of Mukherjee and further in view of Hennessy has taught an apparatus as described in claim 1. Sundaramoorthy in view of Mukherjee in view of Hennessy has not explicitly taught that the register buffer comprising an integer register buffer and a predicate register buffer. However, Official Notice is taken that integer registers and predicate registers are well known and expected in the art. By implementing integer registers, the system will be able to load and store integer data and perform integer operations quickly. Furthermore, by implementing predicate registers, the system will be able to achieve conditional execution of instructions without conditional branch instructions. Consequently, to achieve such functionality, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sundaramoorthy in view of Mukherjee in view of Hennessy to include an integer register buffer and a predicate register buffer in the register buffer (delay buffer).

18. Referring to claim 29, Sundaramoorthy has taught a system comprising:

- a) a first processor (fig. 1, R-stream processor comprising of the execute core).
- b) a second processor (fig. 1, A-stream processor comprising of the execute core).
- c) a bus coupled to the first processor and the second processor (fig. 1, a bus is shown between the first and second processors via the delay buffer);
- d) a plurality of local memory devices coupled to the first processor and the second processor (fig. 1, I-cache and D-cache memories);

e) a first buffer coupled to the first processor and the second processor, the first buffer being a register buffer. See Fig.1 and also see column 10, lines 17-21, and lines 35-38 and note that data operands are passed from the A-stream processor to the R-stream processor via the delay buffer.

d) a second buffer coupled to the first processor and the second processor, the second buffer being a trace buffer. See column 7, and note the paragraph beginning with bulleted paragraph beginning with “Conventional Fetching...”. In this paragraph a trace predictor/buffer is disclosed which stores/buffers trace IDs.

e) a plurality of memory instruction buffers coupled to the first processor and the second processor. Note from Fig.1 that separate reorder buffers are connected to each processor);

f) wherein the first processor and the second processor perform single threaded applications using multithreading resources (col. 1, lines 53-54, col. 2, lines 18-20: teaches that a single thread is instantiated twice such that two instance of a single thread exist and each instance is executed on a different processor).

g) the first processor executes a single threaded application ahead of the second processor executing said single threaded application to avoid misprediction. See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate predictions. Hence, branch mispredictions are avoided.

h) said single threaded application is not converted to an explicit multiple thread application. Note that a single threaded application is not converted to multiple threads. Instead, a single thread is copied such that two instances of a single thread exist.

i) the single threaded application executed on the second processor avoids branch mispredictions from information received from said first processor. See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate predictions. Hence, branch mispredictions are avoided.

j) Sundaramoorthy has taught the need for a hardware monitor to detect ineffectual instructions so that they may be bypassed in the leading A-stream (column 2, lines 23-32). This results in the A-stream fetching, executing, and retiring fewer instructions than it would otherwise (column 2, lines 34-35), thereby allowing the A-stream to stay ahead of the R-stream. In short, Sundaramoorthy has taught that the A-stream and R-stream have different numbers of executed instructions. Consequently, it follows that Sundaramoorthy has not taught that said single threaded application contains the same number of instructions when executed on said first processor and said second processor (as claimed by applicant). However, Mukherjee has taught the concept of a single thread being executed twice in parallel as two threads, where the two threads contain the same amount of instructions. See the abstract and Fig.3. A person of ordinary skill in the art would've recognized that both Sundaramoorthy and Mukherjee have taught redundant execution in order to speed up execution by passing information from one stream to the other. The main difference is that Sundaramoorthy's leading stream runs ahead by reducing the amount of instructions in the stream whereas Mukherjee's leading stream runs ahead by merely starting execution earlier than the trailing stream (Mukherjee, Fig.3). By modifying Sundaramoorthy to include the execution concept taught by Mukherjee, the hardware monitor and speculative bypassing of instructions would be eliminated. This would in turn

eliminate bypassing errors that may occur (Sundaramoorthy, column 2, lines 45-50). As a result, in order to eliminate the hardware monitor (and the problems that it may cause) from Sundaramoorthy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sundaramoorthy such that the exact same thread is executed twice, where the leading thread is merely started before the trailing thread. It should further be noted that while Mukherjee has taught SMT-style execution of two threads on a single processor (abstract), the concept is easily applicable to a multiprocessor system. Sundaramoorthy even recognizes this in column 2, lines 18-20, by saying that two redundant programs may execute on a multiprocessor system or an SMT processing system, which is essentially like have multiple processors on a single chip (virtual processors).

k) Sundaramoorthy has not taught that the first and second processors each have a scoreboard and a decoder.

However, Official Notice is taken that instruction decoders are well known and expected in the art. More specifically, after instructions are fetched by a processor, they must inherently be decoded so that the processor may determine what type of instruction has been fetched and consequently, what operation to perform. Clearly, if both processors of Sundaramoorthy are fetching instructions, then both sets must be decoded. As a result, it would have been obvious to have instruction decoders in each of the first and second processors so that instructions may be decoded. One would have been motivated to make such a modification to allow both processors to decode their own instructions.

In addition, Hennessy has taught that a scoreboard allows instructions to execute out of order. As is known in the art, out-of-order execution is advantageous because it allows

instructions to execute as soon as their resources are ready, thereby reducing stalling and CPU idleness. See pages 241 and 242. As a result, in order to allow both processors to benefit from such execution and resulting advantages, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify each of the first and second processors of Sundaramoorthy to include scoreboards.

j) Sundaramoorthy also has not taught a main memory coupled to the bus. However, Official Notice is taken that it is well known and expected in the art to have a main memory connected to multiple processors via a common bus in a multi-processor environment. Since caches do not store every instruction and data item, main memory must exist to store all of it. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added a main memory coupled to the bus in the Sundaramoorthy reference.

19. Referring to claim 30, Sundaramoorthy in view of Mukherjee in view of Hennessy has taught a system as described in claim 29, wherein the memory devices comprise of a plurality of cache devices (Fig. 1, I-Cache and D-Cache).

20. Referring to claim 31, Sundaramoorthy in view of Mukherjee in view of Hennessy has taught a system as described in claim 29, wherein the first processor is coupled to at least one of a plurality of zero level (L0) data cache devices and at least one of a plurality of L0 instruction cache devices, and the second processor is coupled to at least one of the plurality of L0 data cache devices and at least one of the plurality of L0 instruction cache devices (fig. 1 shows that each processor is connected to a separate data cache (D-Cache) and instruction (I-Cache) which can be considered as zero-level caches because they are directly connected to the execute cores).

21. Referring to claim 32, Sundaramoorthy in view of Mukherjee in view of Hennessy has taught a system as described in claim 31, wherein each of the plurality of L0 data cache devices store exact copies of store instruction data. Although this is not mentioned explicitly, it is deemed inherent to the design because as each processor is executing the same thread (col. 1, lines 53-54, col. 2, lines 18-20) the instruction and data caches in each processor must contain exact copies of instructions and data. And, this data is store instruction data because data that is stored to main memory is also stored in a data cache.

22. Referring to claim 33, Sundaramoorthy in view of Mukherjee in view of Hennessy has taught a system as described in claim 31. Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught that the first processor and the second processor each sharing a first level (L1) cache device and a second level (L2) cache device. However, Official Notice is taken that it is well known and expected in the art that processors in a multi-processor environment share L1 and L2 cache devices. Such a scheme allows for the simplification of cache coherency in that both processors would be able to access the same up-to-date cache as opposed to one of the processors accessing out-of-date information in its own cache. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the first and second processors share L1 and L2 cache devices.

23. Referring to claim 34, Sundaramoorthy in view of Mukherjee in view of Hennessy has taught a system as described in claim 29. Sundaramoorthy has further taught that the plurality of memory instruction buffers includes at least one store forwarding buffer (fig. 1, reorder buffer connected to A-stream processor) and at least one load-ordering buffer (fig. 1, reorder buffer connected to R-stream processor).

24. Referring to claim 35, Sundaramoorthy in view of Mukherjee in view of Hennessy has taught a system as described in claim 34. Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught that the at least one store forwarding buffer (fig. 1, reorder buffer (ROB) connected to A-stream processor) comprises a structure having a plurality of entries, each of the plurality of entries having a tag portion, a validity portion, a data portion, a store instruction identification (ID) portion, and a thread ID portion it is deemed inherent to the design. A ROB is used to order instructions completing execution hence must contain a plurality of entries. Also each entry must have a tag portion to index into the ROB, a validity portion to indicate whether an entry can be written to or read from, a data portion for storing the results of the instruction, a store instruction ID portion would be the instruction opcode of an entry, and a thread ID for indicating which thread that instruction belongs to.

25. Claims 11, 13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaramoorthy in view of Mukherjee in view of Hennessy, as applied above, and further in view of Akkary, WO 99/31594 (as applied in the previous Office Action).

26. Referring to claim 11, Sundaramoorthy has taught a method comprising:

- a) executing a plurality of instructions in a single thread by a first processor (col. 1, lines 53-54, col. 2, lines 18-23: The R-stream thread is executed by the R-stream processor in fig. 1).
- b) executing said plurality of instructions in the single thread by a second processor (col. 1, lines 53-54, col. 2, lines 18-32: The A-stream thread, which is the same as the R-stream thread, is executed by the A-stream processor) as directed by the first processor (col. 4, lines 21-38: IR-detector and IR-predictor in fig. 1, which are part of the first processor i.e. R-stream processor,

direct the second processor (A-stream processor) to execute instructions from the A-stream), the second processor executing said plurality of instructions ahead of the first processor (col. 2, lines 20-23: A-stream runs ahead of the R-stream and it is executed by the second processor to avoid misprediction (See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate predictions. Hence, branch mispredictions are avoided.). Note that even though less instructions may be executed by the first processor (due to removal), all of the instructions executed by the first processor will be also be executed by the second processor.

c) Sundaramoorthy has not taught tracking at least one register that is one of loaded from a register file buffer, and written by said second processor, said tracking executed by said second processor. However, Hennessy has taught the idea of a scoreboard which allows instructions to execute out of order. As is known in the art, out-of-order execution is advantageous because it allows instructions to execute as soon as their resources are ready, thereby reducing stalling and CPU idleness. See pages 241 and 242. As a result, in order to allow the second processor to benefit from such execution and resulting advantages, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second processor of Sundaramoorthy to include a scoreboard. And, the inherent nature of a scoreboard is to track registers written by the second processor. See Fig.4.4 on page 247, and note that the system tracks when registers are ready so that execution may continue. For registers to be ready, it must be tracked when the writing to those registers completes.

d) transmitting control flow information from the second processor to the first processor, the first processor avoiding branch prediction by receiving the control flow information. See column 1, 2nd paragraph, column 2, lines 37-43, and column 11, line 5. Note that accurate control information is sent to the R-stream so that predictions are not needed. The R-stream would instead know which way to go from predictions in the A-stream.

e) transmitting results from the second processor to the first processor, the first processor avoiding executing a portion of instructions (col. 10, lines 17-21, 30-33, 35-38: results (data-flow information) are transmitted from the A-stream processor to the R-stream processor via the delay buffer, and these values are used directly by the instructions hence avoiding the execution of the portion of the instructions) by committing the results of the portion of instructions into a register file from a first buffer, the first buffer being a trace buffer (Although this is not explicitly mentioned, it is deemed inherent to the design because col. 4 line 15 discloses the presence of a register file in the processor and as results are written to the register file so that they can be read from by future instructions, the results of the instructions from the trace buffer (delay buffer) must be written into the register file).

f) wherein the first processor and the second processor execute single threaded applications using multithreading resources (col. 1, lines 53-54, col. 2, lines 18-20: teaches that a single thread is instantiated twice such that two instances of the same thread exist and each instance is executed by different processors), and said single threaded application is not converted to an explicit multiple-thread application. Note that a single threaded application is not converted to multiple threads. Instead, a single thread is copied such that two instances of a single thread exist.

g) the single threaded application executed on the second processor avoids branch mispredictions using information received from said first processor. See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate predictions. Hence, branch mispredictions are avoided.

h) Sundaramoorthy has taught the need for a hardware monitor to detect ineffectual instructions so that they may be bypassed in the leading A-stream (column 2, lines 23-32). This results in the A-stream fetching, executing, and retiring fewer instructions than it would otherwise (column 2, lines 34-35), thereby allowing the A-stream to stay ahead of the R-stream. In short, Sundaramoorthy has taught that the A-stream and R-stream have different numbers of executed instructions. Consequently, it follows that Sundaramoorthy has not taught that said single threaded application contains the same number of instructions when executed on said first processor and said second processor (as claimed by applicant). However, Mukherjee has taught the concept of a single thread being executed twice in parallel as two threads, where the two threads contain the same amount of instructions. See the abstract and Fig.3. A person of ordinary skill in the art would've recognized that both Sundaramoorthy and Mukherjee have taught redundant execution in order to speed up execution by passing information from one stream to the other. The main difference is that Sundaramoorthy's leading stream runs ahead by reducing the amount of instructions in the stream whereas Mukherjee's leading stream runs ahead by merely starting execution earlier than the trailing stream (Mukherjee, Fig.3). By modifying Sundaramoorthy to include the execution concept taught by Mukherjee, the hardware monitor and speculative bypassing of instructions would be eliminated. This would in turn

eliminate bypassing errors that may occur (Sundaramoorthy, column 2, lines 45-50). As a result, in order to eliminate the hardware monitor (and the problems that it may cause) from Sundaramoorthy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sundaramoorthy such that the exact same thread is executed twice, where the leading thread is merely started before the trailing thread. It should further be noted that while Mukherjee has taught SMT-style execution of two threads on a single processor (abstract), the concept is easily applicable to a multiprocessor system. Sundaramoorthy even recognizes this in column 2, lines 18-20, by saying that two redundant programs may execute on a multiprocessor system or an SMT processing system, which is essentially like have multiple processors on a single chip (virtual processors).

i) Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught clearing a store validity bit and setting a mispredicted bit in a load entry in the first buffer if a replayed store instruction has a matching store identification (ID) portion in a second buffer, the second buffer being a load buffer. However, Official Notice is taken that it is well known and expected in the art to use load and store buffers for the proper handling of memory operations. Akkary discloses a system for ordering loads and stores in a multithreaded processor using load and store buffers (fig. 2, 182,184). He discloses clearing a store validity bit (SB Hit field) in the load buffer if data came from memory (pg. 37, para. 3, line 4; pg. 38, line 1). Also when a store instruction is executed (which includes replayed stores), its address is compared with the store ID portion (addresses) of load instructions (pg. 36, para. 3). On a match, a replay event is signaled to the load entry in the trace buffer to replay the load instruction and all its dependant instructions because it was mispredicted (pg. 38, para. 2). Furthermore, Official Notice is taken that is well

known and expected in the art to set a status bit to indicate a misprediction. Clearly, in order to detect a misprediction, some bit must change somewhere in the system. As shown in In re Larson, 144 USPQ 347 (CCPA 1965), to make integral is generally not given patentable weight or would have been an obvious improvement. That is, it does not matter where this misprediction bit is located within the system, as long as it exists. One of ordinary skill in the art would have recognized that one could use the load and store buffer arrangement of Akkary in the Sundaramoorthy reference in order handle loads and stores in the multithreaded environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Sundaramoorthy reference by clearing a store validity bit and setting a mispredicted bit in a load entry in the trace buffer (delay buffer) if a replayed store instruction has a matching store ID portion.

27. Referring to claim 13, Sundaramoorthy in view of Mukherjee in view of Hennessy and further in view of Akkary has taught a method as described in claim 11. Sundaramoorthy has further taught duplicating memory information in separate memory devices for independent access by the first processor and the second processor. Although this is not mentioned explicitly, it is deemed inherent to the design because as each processor is executing the same thread (col. 1, lines 53-54, col. 2, lines 18-20) the instruction and data caches in each processor (fig. 1) must contain exact copies of instructions and data.

28. Referring to claim 15, Sundaramoorthy in view of Mukherjee in view of Hennessy and further in view of Akkary has taught a method as described in claim 11. Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught setting a store validity bit if a store instruction that is not replayed matches a store identification (ID) portion. However, Official

Notice is taken that it is well known and expected in the art to use load and store buffers for the proper handling of memory operations. Akkary discloses a system for ordering loads and stores in a multithreaded processor using load and store buffers (fig. 2, 182,184). He discloses setting a store validity bit (SB Hit field) in the load buffer if data came from store buffer (pg. 37, para. 3, line 4; pg. 38, lines 1-2). In order for data to come from the store buffer, a store instruction address (including store instructions that are not replayed) must match a store ID portion (address) of the load entry. One of ordinary skill in the art would have recognized that one could use the load and store buffer arrangement of Akkary in the Sundaramoorthy reference in order handle loads and stores in the multithreaded environment. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Sundaramoorthy reference by setting a store validity bit if a store instruction that is not replayed matches the store ID portion.

29. Referring to claim 16, Sundaramoorthy in view of Mukherjee in view of Hennessy and further in view of Akkary has taught a method as described in claim 11. Furthermore, although Sundaramoorthy has taught flushing the pipeline (reorder buffer) of the R-stream on a misprediction, Sundaramoorthy has not taught flushing a pipeline, setting a mispredicted bit in a load entry in the trace buffer and restarting a load instruction if one of the load is not replayed and does not match a tag portion in a load buffer, and the load instruction matches the tag portion in the load buffer while a store valid bit is not set. However, Official Notice is taken that it is well known and expected in the art to use load and store buffers for the proper handling of memory operations. Akkary discloses a system for ordering loads and stores in a multithreaded processor using load and store buffers (fig. 2, 182,184). In particular, when a store valid bit is not

set (SB hit = 0, pg. 38, para. 2) and when a store instruction compared with the addresses of load instructions (pg. 36, para. 3) is a match, a replay event is signaled to the load entry in the trace buffer to replay the load instruction and all its dependant instructions because it was mispredicted (pg. 38, para. 2). Furthermore, Official Notice is taken that is well known and expected in the art to set a status bit to indicate a misprediction. Clearly, in order to detect a misprediction, some bit must change somewhere in the system. As shown in In re Larson, 144 USPQ 347 (CCPA 1965), to make integral is generally not given patentable weight or would have been an obvious improvement. That is, it does not matter where this misprediction bit is located within the system, as long as it exists. One of ordinary skill in the art would have recognized that one could use the load and store buffer arrangement of Akkary in the Sundaramoorthy reference in order handle loads and stores in the multithreaded environment and flush the pipeline on reading the mispredicted bit. Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to have modified the Sundaramoorthy reference by flushing a pipeline, setting a mispredicted bit in a load entry in the trace buffer and restarting a load instruction if one of the load is not replayed and does not match a tag portion in a load buffer, and the load instruction matches the tag portion in the load buffer while a store valid bit is not set.

30. Referring to claim 17, Sundaramoorthy in view of Mukherjee in view of Hennessy and further in view of Akkary has taught a method as described in claim 11. Sundaramoorthy has further taught executing a replay mode at a first instruction of a speculative thread (col. 1, lines 53-54, col. 2, lines 18-20: This feature is deemed inherent to the reference because when the A-stream is initially started, i.e., at the first instruction, there will be two redundant threads being

executed which means the thread is being replayed from that point. This can be called a replay mode).

31. Referring to claim 18, Sundaramoorthy in view of Mukherjee in view of Hennessy and further in view of Akkary has taught a method as described in claim 11. Sundaramoorthy has further taught:

a) issuing all instructions up to a next replayed instruction including dependent instructions (This feature is deemed inherent to the design because in order to execute the thread all instructions are issued in either one of the R-stream and A-stream processors).

b) issuing instructions that are not replayed as no-operation (NOPs) instructions (This feature is also deemed inherent to the design because if an instruction that is not replayed does not occupy a slot in the execution pipeline it will lead to improper functioning of the processor. Hence as the instruction that is not replayed is not to be executed, a NOP must be issued in its place).

c) issuing all load instructions and store instructions to memory (This limitation is also deemed inherent to the design because if all loads and stores are not issued to memory, the state of the thread would be incorrect leading to the malfunctioning of the system).

d) committing non-replayed instructions from the trace buffer to the register file (Although this is not explicitly mentioned, it is deemed inherent to the design because col. 4 line 15 discloses the presence of a register file in the processor and as results are written to the register file so that they can be read from by future instructions, the results of the instructions from the trace buffer (delay buffer) that are not going to be replayed must be written into the register file).

e) Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught supplying names from the trace buffer to preclude register renaming. However, Hennessy has taught that register

renaming is used to reduce name dependencies allowing instructions involved in name dependencies to execute simultaneously or be reordered (pg. 232, para. 5). As these dependencies are resolved, more instruction level parallelism can be extracted and performance can be improved. One of ordinary skill in the art would have recognized to use register renaming in the Sundaramoorthy reference because it too would improve performance. As the trace buffer (delay buffer) would also supply the names, it would be logical not to do the renaming again in the R-stream processor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Sundaramoorthy reference by adding register renaming capabilities and supply names from the trace buffer to preclude register renaming. One would have been motivated to do so because it would improve performance which is one of the objectives of the Sundaramoorthy reference (col. 1, lines 29-36).

32. Referring to claim 19, Sundaramoorthy in view of Mukherjee in view of Hennessy and further in view of Akkary has taught a method as described in claim 11. Sundaramoorthy has further taught clearing a valid bit in an entry in a load buffer (fig. 1, the reorder buffer connected to the R-stream processor) if the load entry is retired (Although not explicitly mentioned, it is deemed inherent to the design because a load entry, on being retired, has to be marked invalid to ensure that other new instructions can occupy that entry safely).

33. Claims 20-22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaramoorthy in view of Mukherjee in view of Hennessy in view of Akkary, as applied above, and further in view of Tanenbaum, "Structured Computer Organization," Prentice-Hall, 1984, pp. 10-12 (as applied in the previous Office Action and herein referred to as Tanenbaum).

34. Referring to claim 20, Sundaramoorthy has taught:

a) executing a single thread from a first processor (col. 1, lines 53-54, col. 2, lines 18-23: The R-stream thread is executed by the R-stream processor in fig. 1).

b) executing said single thread from a second processor (col. 1, lines 53-54, col. 2, lines 18-32: The A-stream thread, which is the same as the R-stream thread, is executed by the A-stream processor as directed by the first processor (col. 4, lines 21-38: IR-detector and IR-predictor in fig. 1, considered part of the first processor i.e. R-stream processor, direct the second processor (A-stream processor) to execute instructions from the A-stream), the second processor executing instructions ahead of the first processor to avoid misprediction (See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate predictions. Hence, branch mispredictions are avoided.).

c) Sundaramoorthy has not taught tracking at least one register that is one of loaded from a first buffer, and written by said second processor, said tracking executed by said second processor, the first buffer being a register file buffer. However, Hennessy has taught the idea of a scoreboard which allows instructions to execute out of order. As is known in the art, out-of-order execution is advantageous because it allows instructions to execute as soon as their resources are ready, thereby reducing stalling and CPU idleness. See pages 241 and 242. As a result, in order to allow the second processor to benefit from such execution and resulting advantages, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second processor of Sundaramoorthy to include a scoreboard. And, the inherent nature of a scoreboard is to track registers written by the second processor. See Fig.4.4

on page 247, and note that the system tracks when registers are ready so that execution may continue. For registers to be ready, it must be tracked when the writing to those registers completes.

d) wherein the first processor and the second processor execute single threaded applications using multithreading resources (col. 1, lines 53-54, col. 2, lines 18-20: teaches that a single thread is instantiated twice such that two instances of the same thread exist and each instance is executed by different processors), and said single threaded application is not converted to an explicit multiple-thread application. Note that a single threaded application is not converted to multiple threads. Instead, a single thread is copied such that two instances of a single thread exist.

e) the single threaded application executed on the second processor avoids branch mispredictions using information received from said first processor. See column 1, 2nd paragraph, and note one is executed ahead of the other so that control outcomes may be passed to the lagging thread. Also, see column 2, lines 37-43 and note that the R-stream receives accurate predictions. Hence, branch mispredictions are avoided.

f) Sundaramoorthy has taught the need for a hardware monitor to detect ineffectual instructions so that they may be bypassed in the leading A-stream (column 2, lines 23-32). This results in the A-stream fetching, executing, and retiring fewer instructions than it would otherwise (column 2, lines 34-35), thereby allowing the A-stream to stay ahead of the R-stream. In short, Sundaramoorthy has taught that the A-stream and R-stream have different numbers of executed instructions. Consequently, it follows that Sundaramoorthy has not taught that said single threaded application contains the same number of instructions when executed on said first

processor and said second processor (as claimed by applicant). However, Mukherjee has taught the concept of a single thread being executed twice in parallel as two threads, where the two threads contain the same amount of instructions. See the abstract and Fig.3. A person of ordinary skill in the art would've recognized that both Sundaramoorthy and Mukherjee have taught redundant execution in order to speed up execution by passing information from one stream to the other. The main difference is that Sundaramoorthy's leading stream runs ahead by reducing the amount of instructions in the stream whereas Mukherjee's leading stream runs ahead by merely starting execution earlier than the trailing stream (Mukherjee, Fig.3). By modifying Sundaramoorthy to include the execution concept taught by Mukherjee, the hardware monitor and speculative bypassing of instructions would be eliminated. This would in turn eliminate bypassing errors that may occur (Sundaramoorthy, column 2, lines 45-50). As a result, in order to eliminate the hardware monitor (and the problems that it may cause) from Sundaramoorthy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sundaramoorthy such that the exact same thread is executed twice, where the leading thread is merely started before the trailing thread. It should further be noted that while Mukherjee has taught SMT-style execution of two threads on a single processor (abstract), the concept is easily applicable to a multiprocessor system. Sundaramoorthy even recognizes this in column 2, lines 18-20, by saying that two redundant programs may execute on a multiprocessor system or an SMT processing system, which is essentially like have multiple processors on a single chip (virtual processors).

g) Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught clearing a store validity bit and setting a mispredicted bit in a load entry in a second buffer if a replayed store

instruction has a matching store identification (ID) portion, the second buffer being a trace buffer. However, Official Notice is taken that it is well known and expected in the art to use load and store buffers for the proper handling of memory operations. Akkary discloses a system for ordering loads and stores in a multithreaded processor using load and store buffers (fig. 2, 182,184). He discloses clearing a store validity bit (SB Hit field) in the load buffer if data came from memory (pg. 37, para. 3, line 4; pg. 38, line 1). Also when a store instruction is executed (which includes replayed stores), its address is compared with the store ID portion (addresses) of load instructions (pg. 36, para. 3). On a match, a replay event is signaled to the load entry in the trace buffer to replay the load instruction and all its dependant instructions because it was mispredicted (pg. 38, para. 2). Furthermore, Official Notice is taken that is well known and expected in the art to set a status bit to indicate a misprediction. Clearly, in order to detect a misprediction, some bit must change somewhere in the system. As shown in In re Larson, 144 USPQ 347 (CCPA 1965), to make integral is generally not given patentable weight or would have been an obvious improvement. That is, it does not matter where this misprediction bit is located within the system, as long as it exists. One of ordinary skill in the art would have recognized that one could use the load and store buffer arrangement of Akkary in the Sundaramoorthy reference in order handle loads and stores in the multithreaded environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Sundaramoorthy reference by clearing a store validity bit and setting a mispredicted bit in a load entry in the trace buffer (delay buffer) if a replayed store instruction has a matching store ID portion.

h) Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught an apparatus comprising a machine-readable medium containing instructions which, when executed by a machine to perform the aforementioned operations. However, Tanenbaum has taught that any instruction executed by hardware can also be simulated in software (pg 11, para. 4, lines 1-2). He also teaches that hardware is generally immutable (first para. after sec. 1.4 header) while software allows for more rapid change (pg. 11, para. 4, lines 2-4). One of ordinary skill in the art at the time of the invention would have been motivated to convert the Sundaramoorthy reference to software i.e. instructions on a machine readable medium because Tanenbaum teaches that hardware is generally immutable (first para. after sec. 1.4 header) while software allows for more rapid change (pg. 11, para. 4, lines 2-4). Therefore, to allow for ease of correction of mistakes, and/or an ease of addition of new functionality, it would have been obvious to one of ordinary skill in the art to have implemented the method of Sundaramoorthy by an apparatus comprising instructions recorded on a machine readable medium.

35. Referring to claim 21, Sundaramoorthy in view of Mukherjee in view of Hennessy in view of Akkary and further in view of Tanenbaum has taught an apparatus as described in claim 20. Sundaramoorthy has further taught transmitting control flow information from the second processor to the first processor, the first processor avoiding branch prediction by receiving the control flow information (col. 10, lines 17-21, 30-35, 43-46).

36. Referring to claim 22, Sundaramoorthy in view of Mukherjee in view of Hennessy in view of Akkary and further in view of Tanenbaum has taught an apparatus as described in claim 21. Sundaramoorthy has further taught duplicating memory information in separate memory devices for independent access by the first processor and the second processor (Although this is

not mentioned explicitly, it is deemed inherent to the design because as each processor is executing the same thread (col. 1, lines 53-54, col. 2, lines 18-20) the instruction and data caches in each processor (fig. 1) must contain exact copies of instructions and data).

37. Referring to claims 24-25, Sundaramoorthy in view of Mukherjee in view of Hennessy in view of Akkary and further in view of Tanenbaum has taught an apparatus as described in claim 21. Furthermore, claims 24-25 are rejected for the same reasons set forth in the rejections of claims 15-16, respectively.

38. Referring to claim 26, Sundaramoorthy in view of Mukherjee in view of Hennessy in view of Akkary and further in view of Tanenbaum has taught an apparatus as described in claim 21. Sundaramoorthy has further taught:

a) executing a replay mode at a first instruction of a speculative thread (col. 1, lines 53-54, col. 2, lines 18-20: This feature is deemed inherent to the reference because when the A-stream is initially started i.e. at the first instruction, there will be two redundant threads being executed which means the thread is being replayed from that point. This can be called a replay mode).

b) terminating the replay mode and the execution of the speculative thread if a partition in the second buffer is approaching an empty state (this limitation is also deemed inherent to the reference because when the partition in the trace buffer (delay buffer col. 10 lines 15+) is approaching an empty state that means the A-stream has stopped producing results and finished executing. Therefore now the replay mode and the A-stream are terminated).

39. Referring to claim 27, Sundaramoorthy in view of Mukherjee in view of Hennessy in view of Akkary and further in view of Tanenbaum has taught a method as described in claim 21. Sundaramoorthy has further taught:

a) issuing all instructions up to a next replayed instruction including dependent instructions (This feature is deemed inherent to the design because in order to execute the thread all instructions are issued in either one of the R-stream and A-stream processors).

b) issuing instructions that are not replayed as no-operation (NOPs) instructions (This feature is also deemed inherent to the design because if an instruction that is not replayed does not occupy a slot in the execution pipeline it will lead to improper functioning of the processor. Hence as the instruction that is not replayed is not to be executed, a NOP must be issued in its place).

c) issuing all load instructions and store instructions to memory (This limitation is also deemed inherent to the design because if all loads and stores are not issued to memory, the state of the thread would be incorrect leading to the malfunctioning of the system).

d) committing non-replayed instructions from the second buffer to a register file (Although this is not explicitly mentioned, it is deemed inherent to the design because col. 4 line 15 discloses the presence of a register file in the processor and as results are written to the register file so that they can be read from by future instructions, the results of the instructions from the trace buffer (delay buffer) that are not going to be replayed must be written into the register file).

e) Sundaramoorthy in view of Mukherjee in view of Hennessy has not taught supplying names from the second buffer to preclude register renaming. However, Hennessy has taught that register renaming is used to reduce name dependencies allowing instructions involved in name dependencies to execute simultaneously or be reordered (pg. 232, para. 5). As these dependencies are resolved, more instruction level parallelism can be extracted and performance can be improved. One of ordinary skill in the art would have recognized to use register renaming in the Sundaramoorthy reference because it too would improve performance. As the trace buffer

(delay buffer) would also supply the names, it would be logical not to do the renaming again in the R-stream processor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Sundaramoorthy reference by adding register renaming capabilities and supply names from the trace buffer to preclude register renaming. One would have been motivated to do so because it would improve performance which is one of the objectives of the Sundaramoorthy reference (col. 1, lines 29-36).

40. Referring to claim 28, Sundaramoorthy in view of Mukherjee in view of Hennessy in view of Akkary and further in view of Tanenbaum has taught an apparatus as described in claim 21. Sundaramoorthy has further taught clearing a valid bit in an entry in a load buffer (fig. 1, the reorder buffer connected to the R-stream processor) if the load entry is retired (Although not explicitly mentioned, it is deemed inherent to the design because a load entry, on being retired, has to be marked invalid to ensure that other new instructions can occupy that entry safely).

Response to Arguments

41. Applicant's arguments filed on April 11, 2008, have been fully considered but they are not persuasive.

42. Applicant argues the novelty/rejection of claim 1 on pages 14-15 of the appeal brief, in substance that:

"...Mukherjee deals with multiple threads in a multi-threading processor, not single threaded processes. Mukherjee further asserts that the leading and trailing thread are executed on the same processor."

"...it is asserted in the Office Action that it would benefit Sundaramoorthy to run two streams having the same amount of instructions with one running ahead of the other. This completely opposes the disclosure of Sundaramoorthy as one of ordinary skill in the art would know that streams of the same amount of instructions only adds latency."

43. These arguments are not found persuasive for the following reasons:

a) The general concept relied upon in Mukherjee is using first hardware resources to execute a first stream of instructions and second hardware resources to execute a duplicate of the first stream of instructions, where the duplicate stream is executed at least partially ahead of the first stream to avoid mispredictions. The examiner asserts that this concept can be applied to Sundaramoorthy because even though the specific environments of Sundaramoorthy and Mukherjee are not the exact same (Sundaramoorthy has taught multiple processors while Mukherjee has taught a single processor), the general environment is the same. That is, much like Mukherjee, Sundaramoorthy also teaches using first hardware resources to execute a first stream of instructions and second hardware resources to execute a duplicate of the first stream of instructions (sans ineffective instructions), thereby causing the duplicate stream to be executed at least partially ahead of the first stream to avoid mispredictions. The main difference between the two references is that Sundaramoorthy's leading stream runs ahead by reducing the amount of instructions in the duplicate stream whereas Mukherjee's leading stream runs ahead by merely starting execution earlier than the trailing stream (Mukherjee, Fig.3). By modifying Sundaramoorthy to include the execution concept taught by Mukherjee, the hardware monitor and speculative bypassing of instructions in Sundaramoorthy would be eliminated. This would in turn eliminate bypassing errors that may occur (Sundaramoorthy, column 2, lines 45-50). As a result, in order to eliminate the hardware monitor (and the problems that it may cause) from Sundaramoorthy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sundaramoorthy such that the exact same thread is executed twice (on the first and second processors), where the leading thread is merely started before the trailing thread.

It should further be noted that while Mukherjee has taught SMT-style execution of two threads on a single processor (abstract), the concept is easily applicable to a multiprocessor system. Sundaramoorthy even recognizes this in column 2, lines 18-20, by saying that two redundant programs may execute on a multiprocessor system or an SMT processing system, which is essentially like have multiple processors on a single chip (virtual processors).

Regarding applicant's specific argument, while applicant may be correct in saying that additional instructions would be executed in the streams using the design of Mukherjee, this would not necessarily increase latency of execution. As the examiner stated in the previous Office Action, one benefit of executing the same number of instructions in both streams would be to eliminate the hardware monitor and speculative bypassing of instructions, and any associated latencies required to fix errors, in Sundaramoorthy. These associated latencies may very well turn out to be much more than the latency associated with executing the same amount of instructions, depending on the number of errors. Furthermore, any extra hardware associated with the bypassing and monitoring in Sundaramoorthy would be eliminated, and therefore, it would have been obvious to a designer looking to minimize hardware to implement same-size instruction streams in Sundaramoorthy in order to reduce hardware and eliminate latencies associated with that hardware which may be more than the additional latency gained by executing more instructions.

However, even assuming modifying Sundaramoorthy in view of Mukherjee resulted in increased latency as applicant suggests, this does not mean that the combination is non-obvious. As mentioned above, by making such a combination, at least some hardware would be reduced.

It is not unfathomable that given the choice between (1) reducing hardware and adding latency, and (2) reducing latency and increasing hardware, at least one of a number of designers would choose option (1). Such a designer might be limited in die space and, therefore, reducing hardware might be more crucial than reducing latency. As long as there is a positive reason to combine, the combination may be made even if another less desirable side effect occurs as a result of the combination. An analogy would be as follows: Suppose Mary needs to go to the grocery store and she has two choices: (1) Go to the store now, when it is known to be less crowded, and miss her favorite TV show, and (2) Go to the store later, when the store is known to be much more crowded, and watch her favorite TV show. Again, either choice could be selected depending on what Mary wanted. Perhaps on this day, she would prefer to watch her favorite show and so she'd be willing to deal with the crowd at the store. However, it would not be unreasonable to believe that she could also choose to skip her favorite TV show in order to avoid the in-store traffic. The point is that Mukherjee and Sundaramoorthy are trying to accomplish the same thing in different ways. Sundaramoorthy, if modified to adopt Mukherjee's principles, would be able to achieve the benefit of hardware reduction, which is desirable to some, and hence obvious.

44. Applicant argues this point for other claims as well, and the examiner's response is the same. The examiner believes that motivation does exist to make the combination.

Conclusion

45. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. HUISMAN whose telephone number is (571)272-4168. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/David J. Huisman/
Primary Examiner, Art Unit 2183
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